

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

La Unión Del Pueblo Entero, *et al.*,

Plaintiffs,

v.

Gregory W. Abbott, *et al.*,

Defendants.

No. 5:21-cv-00844-XR
(Consolidated Cases)

INTERVENOR-DEFENDANTS' FIRST SET OF INTERROGATORIES

In accordance with Federal Rule of Civil Procedure 33, Intervenor-Defendants Harris County Republican Party, Dallas County Republican Party, Republican National Committee, National Republican Senatorial Committee, and National Republican Congressional Committee (“Intervenor-Defendants”) request that Plaintiffs La Unión Del Pueblo Entero, Friendship-West Baptist Church, the Anti-Defamation League Austin, Southwest, and Texoma Regions, Southwest Voter Registration Education Project, Texas Impact, Mexican American Bar Association of Texas, Texas Hispanics Organized for Political Education, Jolt Action, William C. Velasquez Institute, FIEL Houston Inc., and James Lewin (“Plaintiffs”) respond to the following Interrogatories within 30 days of service hereof.

DEFINITIONS

1. “Plaintiff,” “you”, and “your” refer to Plaintiffs La Unión Del Pueblo Entero, Friendship-West Baptist Church, the Anti-Defamation League Austin, Southwest, and Texoma Regions, Southwest Voter Registration Education Project, Texas Impact, Mexican American Bar Association of Texas, Texas Hispanics Organized for Political Education, Jolt Action, William C.

Velasquez Institute, FIEL Houston Inc., and James Lewin, and their members, agents, employees, representatives, and other persons acting or purporting to act on their behalf.

2. “Any” or “all” means “any and all.”

3. “Candidate” means a candidate for public office in Texas, as defined by Tex. Elec. Code 251.001(1), and a candidate for federal office, as defined by 52 U.S.C. § 30101(2), elected by Texas voters.

4. “Communication” means the transmittal of information in the form of facts, ideas, inquiries, or otherwise, including, but not limited to, oral conversations, telephone calls, presentations, written correspondence, memoranda or notes, electronic mail (“e-mail”), facsimile transmissions, meetings, video conferences, or document transmittals.

5. “Date” means the exact day, month, and year, if ascertainable, or, if not, the best available approximation (including relationship to other events).

6. To “describe” or “state” shall mean to relate as completely as possible each and every act, omission, incident, event, condition, circumstance, or thing relating directly or indirectly to the subject of the description, including all pertinent dates and, without limiting the foregoing, to:

- a. identify all documents directly or indirectly related thereto;
- b. identify all communications directly or indirectly related thereto;
- c. identify all persons directly or indirectly related thereto; and
- d. identify all locations applicable to any events, incidents, conditions, circumstances, or things directly or indirectly related thereto.

7. “Document” is synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A) and includes all

writing of any kind (including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise), regardless of their origin or location, including, without limitation, correspondence, memoranda, talking points, analyses, studies, commentaries, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, interoffice and intra-office communications, maps, electronic communications (including, without limitation, e-mail communications, text messages, Slack messages and channels, instant messages, and social media posts and messages (such as “tweets” or “Facebook” posts and messages)), notes of or reflecting any sort of communication, correspondence, conversations, bulletins, printed matter, computer printouts, teletypes, facsimiles, drawings, sketches, worksheets of any of the foregoing, graphic or oral records or representations of any kind (including, without limitation, photographs, videotapes, motion pictures), and electronic, mechanical, or electric recordings or representations of any kind (including, without limitation, tapes, cassettes and magnetic cards, disks and other recordings).

8. “Drive-thru voting” means any method of voting in which a voter casts a vote from inside a motor vehicle.

9. “Drop box voting” means any method of voting in which a voter casts a vote by depositing their ballot in a ballot box located outside of a polling place.

10. “Early voting” means any method of voting that occurs prior to the uniform election date for a primary or general election.

11. “Election clerk” means any individual appointed by the presiding judge of an election precinct to assist the judge in the conduct of an election at the polling place for a primary or general election pursuant to Tex. Elec. Code § 32.031 et seq.

12. “Election judge” means any individual appointed as a presiding judge or an alternate presiding judge for a primary or general election pursuant to Tex. Elec. Code § 32.001 et seq.

13. “Electronically stored information” or “ESI” is synonymous with the broadest possible meaning of the term as used in Fed. R. Civ. P. 34. It includes, but is not necessarily limited to, information stored in or on any electronic medium or device, including computers, network servers, computer hard drives, e-mails, voicemails, CDs, DVDs, tapes, websites, intranet, extranet, databases, Personal Digital Assistants (PDAs), mobile phone, smart phones, flash drives, thumb drives and USB drives, whether portable or not, regardless of the software or application used to generate or store the document, data, information or item.

14. “Extended hour voting” means any method of voting in which a voter casts a ballot at a polling place between the hours of 7:00 p.m. and 7:00 a.m.

15. “HB 3” means the legislation designated as House Bill 3, titled “Relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses,” that was introduced during the 87th First Called Session of the Texas Legislature, including any predecessor or related bills from any legislative session in 2021.

16. “HB 6” means the legislation designated as House Bill 6, titled “Relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses,” that was introduced during the 87th Regular Session of the Texas Legislature, including any predecessor or related bills from any legislative session in 2021.

17. “Identify,” when used with reference to a Document, shall mean to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, you may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d). If any Document is no longer in your possession, custody, or control, please provide an explanation of its disposition, the date of same, and the reasons for same.

18. “Including” is used to emphasize certain types of documents requested and should not be construed as limiting the request in any way.

19. “Poll watcher” means any individual appointed to observe the conduct of an election on behalf of a candidate, a political party, or the proponents or opponents of a measure for a primary or general election pursuant to Tex. Elec. Code § 33.001 et seq.

20. “Poll Watcher Provisions” means Article 4 of SB 1 as well as the provisions of Sections 5.12 and 6.01 of SB 1 pertaining to poll watchers.

21. “Poll worker” means any individual, other than an election clerk or election judge, who assists in administering an election at a polling place for a primary or general election.

22. “Potential candidate” means a person who has publicly expressed an interest in becoming a candidate.

23. “Relating to” means analyzing, containing, concerning, dealing with, constituting, contradicting, defining, describing, discussing, embodying, evidencing, explaining, identifying, mentioning, pertaining to, reflecting, referring to, regarding, setting forth, showing, stating, summarizing, supporting, undermining or being relevant in any other way to the subject matter of the given request.

24. “SB 1” means the legislation designated as Senate Bill 1, titled “Relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses,” that was enacted during the 87th Second Called Session of the Texas Legislature and signed by the Governor of Texas on September 7, 2021, including any predecessor or related bills from any legislative session during 2021.

25. “SB 7” means the legislation designated as Senate Bill 7, titled “Relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses,” that was introduced during the 87th Regular Session of the Texas Legislature, including any predecessor or related bills from any legislative session in 2021.

26. “Straight-ticket voting” means any method of voting in which a party may select a political party’s candidates in one motion or gesture.

27. “Texas Legislature” means the current and former members, officers, and staff of the Texas Senate and Texas House of Representatives and any committees or agencies thereof, and the current and former employees, officers, attorneys, agents, trustees, investigators, representatives, contractors, and consultants thereof.

28. “Vote-by-mail” means any method of voting in which a voter casts a ballot received in the mail.

29. “Voter” means any registered voter in Texas and all persons who may properly register to vote in Texas by the close of discovery in this case.

30. “Voter assistance” means any conduct permitted under Section 64.0321 of the Texas Election Code or required by Sections 203 and 208 of the Voting Rights Act, 52 U.S.C. §§ 10503, 10508.

31. The words “and/or,” “or,” and “and” are used inclusively, not exclusively. So “and/or,” “or,” and “and” should be construed as requiring the broadest possible response.

32. The words “any,” “each,” and “all” are to be construed as synonymous so as to bring within the scope of the discovery requests the broadest range of documents.

33. The singular form of a word should be interpreted as the plural and the plural form of a word should be interpreted as the singular whenever appropriate in order to bring within the scope of these requests any information that might otherwise be considered to be beyond their scope.

34. The present tense should be construed to include the past tense and the past tense should be construed to include the present tense as necessary to bring within the scope of these requests any information that might otherwise be construed to be outside their scope.

INSTRUCTIONS

1. If you object to any of the definitions or instructions, state your objection(s) in your response and indicate whether you are complying with the direction or instruction in spite of your objection. If your objection goes to only part of an interrogatory, provide all responses that do not fall within the scope of your objection.

2. In answering these Interrogatories, you shall furnish all information available to you, including all persons acting on your behalf, and not merely such information within your knowledge. If you cannot answer the Interrogatories in full after exercising due diligence to secure the information, you should answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

3. These Interrogatories are continuing, and you are requested to provide, by way of

supplementary answers, such additional information (or documents if included in your original response) as you or any person acting on your behalf may later obtain, which will augment or otherwise modify your answers.

4. Please provide the complete identity of each Document referred to in your answers to these Interrogatories as part of your answer to each Interrogatory including the date of the Document, a summary of its contents, its author and/or recipient, its present custodian, and its present location.

5. With respect to any information or Document that you decline to provide because of a claim of privilege or other objection, please provide a description of the same in order to assist Intervenor-Defendants' counsel in understanding and evaluating your objection.

INTERROGATORIES

1. Identify the connection or relationship between any provision of SB 1 and the electoral prospects of any candidates for elected office in Texas supported by any of the Plaintiffs, and state the basis, including any evidence, to support that connection or relationship.

2. Identify (including by Bates number if or once assigned) and describe any communications you have had with any State or county officials, including members or former members of the Texas Legislature, regarding patterns or instances or potential patterns or instances of illegal voting practices in Texas, and/or the investigation or prosecution of violations or suspected violations of any criminal election law in Texas, including the specific topic of communication, the date of the communications, the individuals who participated in the communications, and the outcome of the communications.

3. Identify (including by Bates number if or once assigned) and describe any communications you have had with any State or county officials, including members or former

members of the Texas Legislature, regarding drive-thru voting, drop box voting, 24-hour voting, extended hour voting, vote-by-mail, early voting, voting at outdoor polling locations, poll watchers, voter assistance, and voting at mobile polling locations in Texas. In your description, please include the individuals who participated in the communications.

4. Identify any documents reflecting (including by Bates number if or once assigned) and describe any communications you have had with any State or county officials, including members or former members of the Texas Legislature, and/or candidates or potential candidates for elected office in Texas relating to the effects or potential effects of SB 1, SB 7, HB 3, or HB 6, including the specific topic of the communications, the date of the communications, the individuals who participated in the communications, and the outcome of the communications.

5. Identify (including by Bates number if or once assigned) and describe all documents or other materials created, used, or disseminated in any way by you relating to the training of election judges, election clerks, and other poll workers in Texas from January 1, 2020, through the present, including but not limited to, any training materials, instructional guides, or presentations.

6. Identify any documents reflecting (including by Bates number if or once assigned) and describe any communications received or exchanged by you relating to instances of violence, discrimination, harassment, intimidation, or inappropriate behavior from poll watchers, poll workers, or election judges, in Texas during the 2020 and 2022 primary, special, and general elections.

7. Identify any documents reflecting (including by Bates number if or once assigned) and describe any communications received or exchanged by you relating to instances of poll watchers interfering with the duties of election judges, election clerks, and poll workers in Texas

during the 2020 and 2022 primary, special, and general elections.

8. Identify any documents reflecting (including by Bates number if or once assigned) and describe any communications received or exchanged by you relating to instances where election judges, election clerks, and poll workers refrained from fulfilling their duties in Texas during the 2020 and 2022 primary, special, and general elections because of the Poll Watcher Provisions.

9. Identify any documents reflecting (including by Bates number if or once assigned) and describe any communications received or exchanged by you relating to the effect of the Poll Watcher Provisions on recruitment of election judges, election clerks, and poll workers in Texas for the 2020 and 2022 primary, special, and general elections.

10. Identify any documents reflecting (including by Bates number if or once assigned) and describe any communications received or exchanged by you relating to instances of poll watchers interfering with any voter's ability or right to vote in Texas during the 2020 and 2022 primary, special, and general elections.

11. Identify any documents reflecting (including by Bates number if or once assigned) and describe any communications received or exchanged by you relating to instances of poll watchers violating the secrecy of the ballot in Texas during the 2020 and 2022 primary, special, and general elections.

12. Identify any documents reflecting (including by Bates number if or once assigned) and describe any communications received or exchanged by you relating to instances of poll watchers interfering with voter assistance in Texas during the 2020 and 2022 primary, special, and general elections.

13. Identify any documents reflecting (including by Bates number if or once assigned)

and describe any communications received or exchanged by you relating to instances of voters feeling threatened or intimidated by poll watchers in Texas during the 2020 and 2022 primary, special, and general elections.

September 19, 2022

Respectfully submitted,

/s/ John M. Gore

John M. Gore

E. Stewart Crosland*

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Counsel for Proposed Intervenor-Defendants

**Pro hac vice* applications forthcoming

**Application for admission to the Western

District of Texas pending

Admitted in Pennsylvania

Not admitted in D.C. (directly supervised by
John M. Gore, a licensed D.C. Bar member)

Certificate of Service

I hereby certify that, on September 19, 2022, I electronically served the foregoing document via electronic mail on all counsel of record.

/s/ John M. Gore